



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202



0006

In Reply Refer To:

February 6, 1990

MEMORANDUM

TO: Peter A. Rutledge, Chief
Federal Programs Division

THROUGH: Ranvir Singh, Chief *Ranvir Singh*
Federal Lands Branch

FROM: Richard Holbrook, Project Manager *Richard Holbrook*
Federal Lands Branch

SUBJECT: Recommendation for Termination of Federal Permit
UT-0003 for Coastal States Energy Company's Skyline
Mine, Carbon and Emery Counties, Utah

I. Recommendation

I recommend termination of Federal permit UT-0003, issued on June 20, 1980, for Coastal States Energy Company's Skyline mine. My recommendation is based on the existence of the Utah cooperative agreement which provides for the delegation to the Utah Division of Oil, Gas and Mining (DOGM) of the permitting responsibilities for operations on Federal lands pursuant to Section 523 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA); the issuance of the Utah State permit ACT/007/005 in accordance with the Utah State program and cooperative agreement; incorporation of all necessary Federal permit conditions in the State permit; and the approved mining plan for Federal leases U-020305, U-044076, U-0142235, U-014570, U-073120. Attached to this memorandum are the applicable standard conditions of approval of the Skyline mine mining plan approved by the Assistant Secretary. These conditions were previously incorporated in the Federal permit. Notwithstanding the termination of the Federal permit, these conditions will remain in full force and effect.

Utah DOGM has reviewed the permit application package (PAP) for the Skyline mine under the Utah State program, the Federal lands program (30 CFR Chapter VII, Subchapter D), and the Utah cooperative agreement (30 CFR 944.30) and has issued the Utah State permit ACT/007/005 authorizing surface coal mining and reclamation operations on Federal and non-Federal lands in the permit area pursuant to the State program and cooperative agreement. A copy of the bond in the amount of \$2,225,000, payable to the United States and the State of Utah, is on file with the Office of Surface Mining Reclamation and Enforcement (OSM).

This permit termination is categorically excluded from the National Environmental Policy Act (NEPA) process because the Federal permit and mining plan approval were previously covered by the NEPA process (i.e., OSM's Environmental Assessment and Finding of No Significant Impact dated June 2, 1980).

OSM is presently consulting with the U.S. Fish and Wildlife Service to update the information related to the effect of the Skyline mine mining operations on endangered species. However, this action is not discretionary; and therefore, is not subject to the requirements of Section 7 of the Endangered Species Act.

II. Background

The Skyline underground coal mine is located in Carbon and Emery Counties, Utah, 4 miles southwest of Scofield. The mine has been in operation since 1980. The total permitted area of the Skyline mine contains about 6400 acres, of which about 6175 acres are in the mining plan approval area for Federal leases U-020305, U-044076, U-0142235, U-014570, U-073120.

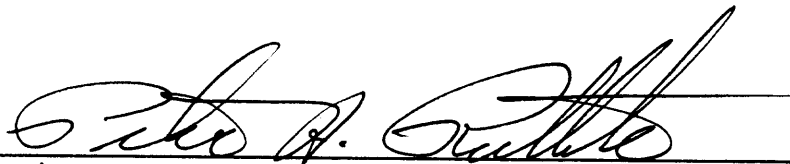
The Skyline mine mining plan was approved under the Federal lands program on June 20, 1980. Since that approval there have been no mining plan modifications.

OSM's Albuquerque Field Office was consulted on January 24, 1990, and has indicated that no pending enforcement actions are associated with the Federal permit for the Skyline mine.

The Federal permit contained 17 special conditions, all of which were satisfied. The standard conditions of the existing mining plan approval are appended to this memorandum as Attachment A.

III. Approval

I approve the termination of Federal permit UT-0003, issued on June 20, 1980, for the Skyline mine. The applicable standard conditions of the mining plan approved by the Assistant Secretary on June 20, 1980, for Federal leases U-020305, U-044076, U-0142235, U-014570, U-073120 are appended as Attachment A and remain in full force and effect notwithstanding this permit termination approval.



Chief, Federal Programs Division
Western Field Operations

2/2/90
Date

Attachments

UNITED STATES
DEPARTMENT OF THE INTERIOR

This document contains the applicable conditions of approval of the Skyline mine mining plan approved on June 20, 1980, for Federal leases U-020305, U-044076, U-0142235, U-014570, U-073120. Coastal States Energy Company is hereinafter referred to as the operator.

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal leases U-020305, U-044076, U-0142235, U-014570, U-073120; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The operator shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. The current mining plan covers all or parts of Federal leases U-020305, U-044076, U-0142235, U-014570, U-073120, as described below:

Township 13 South, Range 6 East, SLM;

Sec. 10: S1/2;
Sec. 11: S1/2S1/2;
Sec. 13: ~~Lots 1-8~~ (W1/2);
Sec. 14: All;
Sec. 15: All;
Sec. 22: All;
Sec. 23: All;
Sec. 24: NW1/4, W1/2SW1/4, Part of E1/2SW1/4,
Part of NW1/4NW1/4SE1/4;
Sec. 25: Part of W1/2W1/2, Part of W1/2NE1/4NW1/4;
Sec. 26: All;
Sec. 27: All, excluding Lawrence Reservoir;
Sec. 34: All, excluding Lawrence Reservoir;
Sec. 35: W1/2, W1/2NE1/4, Part of E1/2NE1/4, Part of SE1/4;

as shown on the map appended hereto as Exhibit A.

Attachment A of Federal Permit UT-0003 Termination
Conditions of Mining Plan Approval
Page 2 of 3

3. The operator shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of the mining plan approval as contained herein.
4. The operator shall comply with the terms and conditions of the leases, the approved mining plan, and the requirements of the Utah Permit number ACT/007/005 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, cancelled, or withdrawn.
7. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Mining and OSM. The operator shall take such actions as are required by Utah Division of Oil, Gas and Mining in coordination with OSM.

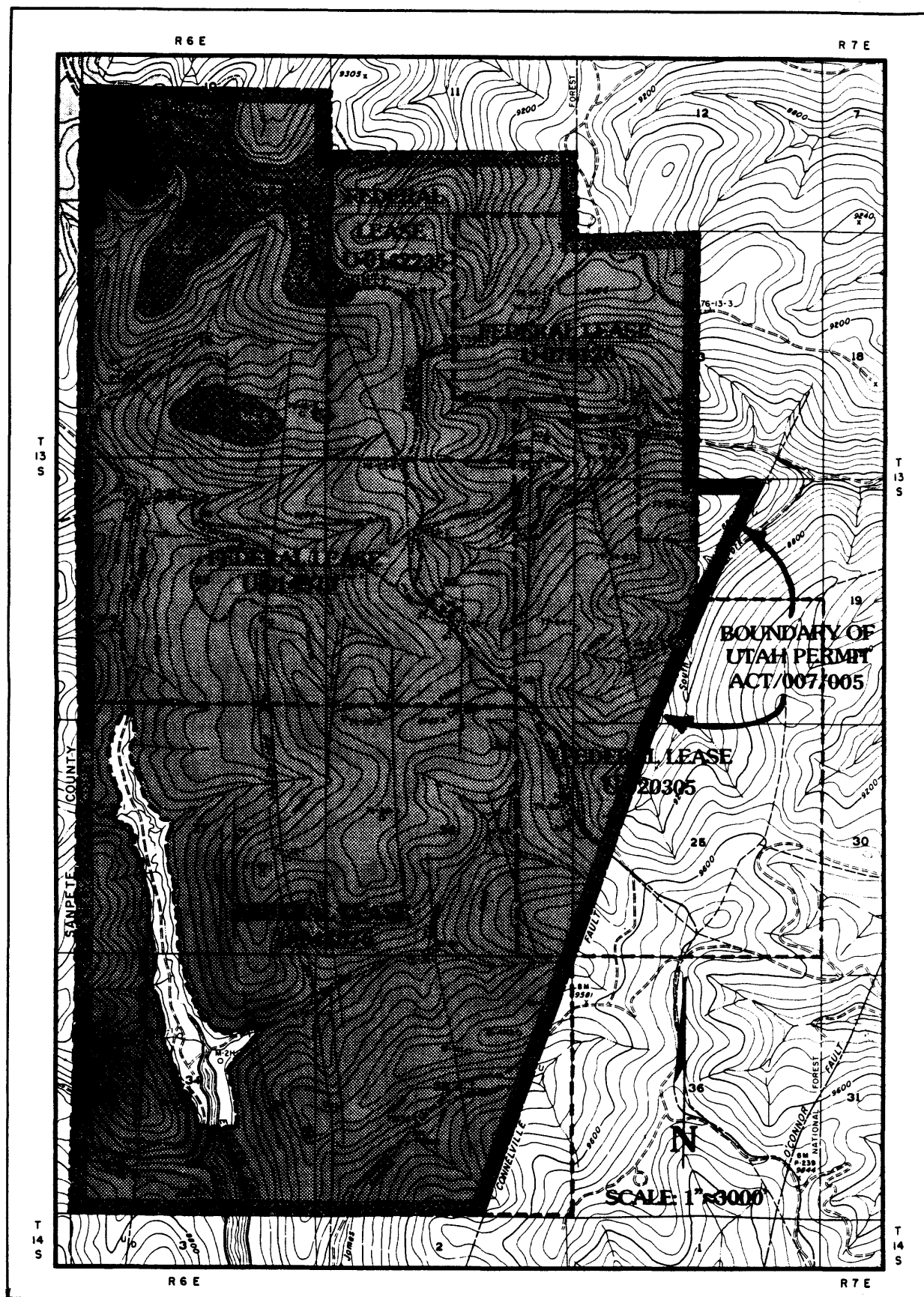


Exhibit A
 MINING PLAN APPROVAL AREA MAP
 Skyline Mine
 Carbon and Emery Counties, Utah